

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PUBLIC CONSULTING GROUP LLC,

Plaintiff,

ORDER

-against-

23 Civ. 10568 (CS) (AEK)

DIGITECH COMPUTER LLC,

Defendant.

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THE HONORABLE ANDREW E. KRAUSE, U.S.M.J.

This matter has been referred to Magistrate Judge Andrew E. Krause for general pretrial supervision. ECF No. 30.

As an initial step, the parties must submit a proposed civil case discovery plan and scheduling order using the attached form by **January 8, 2025**. The Court will schedule an initial conference after reviewing the parties' submission.

Dated: December 19, 2024
White Plains, New York

SO ORDERED.



ANDREW E. KRAUSE
United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PUBLIC CONSULTING GROUP LLC,

Plaintiff,

-against-

DIGITECH COMPUTER LLC,

Defendant.

**CIVIL CASE DISCOVERY
PLAN AND SCHEDULING ORDER**

23 Civ. 10568 (CS) (AEK)

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This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure:

1. This case [is] [is not] to be tried to a jury (circle one).
2. The parties may amend the pleadings or join additional parties before _____.
3. Initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure must be completed by _____.
4. Fact Discovery

The parties will conduct discovery in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Southern District of New York, and Judge Krause's Individual Practices. The interim deadlines in paragraphs 4(b) through 4(e) may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 4(a).

- a. All fact discovery must be completed by _____.
- b. Initial requests for production of documents must be served by _____. Any subsequent requests for production must be served no later than 30 days before the fact discovery deadline.
- c. Interrogatories must be served by _____. Any subsequent interrogatories must be served no later than 30 days before the fact discovery deadline.

- d. Non-expert depositions must be completed by _____. Absent an agreement between the parties or an order from the Court, non-party depositions must follow initial party depositions.
- e. Requests to admit must be served by _____, and in any event no later than 30 days before the fact discovery deadline.

5. Within 14 days of the completion of fact discovery, counsel and any unrepresented parties must meet to discuss settlement. The parties must file a joint letter concerning settlement within 21 days of the completion of fact discovery. The letter must include a statement as to whether the parties propose using any of the following alternative dispute resolution mechanisms: (i) a settlement conference with the Court; (ii) participation in the Court's Mediation Program; and/or (iii) retention of a private mediator. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order absent express permission from the Court.

6. Expert Discovery

- a. All expert discovery, including expert depositions, must be completed by _____.
- b. Plaintiff's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by _____.
- c. Defendant's expert disclosures pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure must be made by _____.
- d. The interim deadlines in paragraphs 6(b) and 6(c) may be extended by the written consent of all parties without application to the Court, provided that all expert discovery is completed by the date set forth in paragraph 6(a).

7. **ALL DISCOVERY MUST BE COMPLETED BY _____.**
(Absent exceptional circumstances, this date should align with the completion of all expert discovery in paragraph 6(a).)

8. For any non-dispositive motions or applications, the parties must follow Judge Krause's Individual Practices. For dispositive motions and trial preparation following the completion of all discovery, the parties must follow Judge Seibel's Individual Practices unless the parties consent to proceed before Judge Krause for all purposes pursuant to 28 U.S.C. § 636(c).

9. The parties have conferred and their present best estimate of the length of the trial is _____.
10. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court (except as provided in paragraphs 4 and 6(d) above).

Dated: _____, _____
White Plains, New York

SO ORDERED.

ANDREW E. KRAUSE
United States Magistrate Judge